

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS AND PLANNING COMMISSION  
JOINT WORKSHOP MEETING  
August 14, 2007

The Lower Paxton Township Board of Supervisors and Planning Commission joint workshop meeting was called to order by Chairman William B. Hawk, at 5:32 p.m. on Tuesday, August 14, 2007, in Conference Room B, at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Board members present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Planning Commission members present were: Fred Lighty and Denise Guise.

Members from staff in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler and Dianne Moran, Planning and Zoning Officers; Charles (Chip) Millard, Dauphin County Planning Commission; and James Snyder, HRG, Inc., Township Engineer.

Others in attendance

Ted Robertson, 4351 Crestview Road, Harrisburg, PA 17112

Peter Gemora, 105 N. 38<sup>th</sup> Street, Harrisburg, PA 17109

Charles Zwally, 3450 N. Front Street, Harrisburg, PA

**Pledge of Allegiance**

Mr. Blain led the Pledge of Allegiance to the flag.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the July 10, 2007 meeting. Mr. Blain seconded the motion, and the minutes were unanimously approved.

**Public Comment**

No public comment was presented.

**Old Business**

Review of the draft comments regarding the final draft of amendments to the new zoning ordinance to address issues encountered since adoption

Mr. Wolfe noted that staff included, in the new draft, all the items that were discussed and agreed upon. He noted that there a few items that staff needs further clarification for before advertising the final draft amendments.

Ms. Wissler noted that there are three items to be discussed: grading, age-restricted housing, group homes, and one objective from the Zoning Ordinance that states that the Township should retain the rural character of the Township.

Mr. Wolfe noted that Mr. Zwally is present to discuss Section 319.H.b, regarding age-restricted developments. Ms. Wissler noted for the Institutional District (IN), residential retirement development is permitted, but some clarification is needed on the percentage of use for age-restricted and non-age-restricted uses. She noted that the previous requirements were 60% age-restricted with a density of six units per acre, or 70% age-restricted with a density of eight units per acre.

Mr. Wolfe noted that the mix development and density bonus are the result of a proposal provided by the Union Deposit Corporation. He noted that recent discussions have questioned if this is needed in the ordinance, noting the Mr. Seeds is not in favor of mixing development types, such as residential retirement with regular residential housing. Mr. Seeds noted that it was decided at the past meeting to change this provision to an 80% requirement for over the age of 55. Mr. Hawk noted that this would make it very restricted in some areas. Mr. Seeds noted that there was quite a turnout for the proposed change in zoning for the Locust Lane tract, and many people were against the six-story building. He noted that in light of that meeting, the height of buildings should also be reconsidered. He noted that he was not in favor of changing the permitted height to 75 feet.

Mr. Zwally noted that he is present to discuss the Oakhurst property located off of Linglestown Road in the area of the Sportsman Golf Course. He noted that at the last workshop that he attended in March, 2007, the joint Committees indicated acceptance of his proposal that was drafted by Charlie Schmehl, the consultant. He noted that the purpose was to provide more flexibility to add a higher percentage of non-age-restricted in the IN district.

Mr. Zwally explained that the Township passed a special ordinance in 1977, at the request of the Union Deposit Corporation, when they guaranteed a certain density for the property. He noted in 2006, the Comprehensive Plan called for a proposed down-zoning for the property and this was reflected on the new zoning map. He noted that it would have converted the property to Agriculture Residential (RA). He noted that he opposed the down-zoning and brought a sketch plan to the Board members which showed high-quality senior housing which the Board was in favor of. He noted that this property borders Susquehanna Township, and it was decided that senior housing would be a good fit for this area. He requested, at that time, that the

property continue to be zoned R-2, but be permitted to do the Residential Retirement (RR) overlay to provide for a mix of regular residential non-age restricted with the age-restricted. He noted that the Board did not like this request, and rezoned the land Institutional, which allowed the R-R zoning, and the ability for age-restricted development. He noted that the current R-R zoning has an 80/20 breakdown for age-restricted and non-age-restricted. He noted that the 80/20 restriction is based on federal guidelines for financial assisted senior housing. He explained that that is not what Mr. Mahoney is developing. He noted that the 80/20 requirement could apply to individual developments or individual buildings. He noted that that is not what he is doing for his development. He explained that he proposes to build individual age-restricted housing that would be 100% age-restricted, but based upon market conditions, he requests to be permitted to build some projects that would be non-age-restricted. He noted that Mr. Schmehl adopted language to support this development and it was agreed upon at the March meeting. He noted that it would allow 60% age-restricted with 40% non-age-restricted, that would reduce the density for all areas to six units per acre, or with the 70/30 split, the density would be 8 units per acre. He noted that Mr. Schmehl's language is clear that the developments would need to segregate by age. He noted that the density would be reduced for both projects. He suggested that this made a good deal of sense and he thought that the Planning Commission and Board of Supervisors agreed to this proposal. He stated that he would like to have the Planning Commission and Board of Supervisors reconsider their decision and adopt the language written by Mr. Schmehl.

Mr. Seeds noted that Mr. Schmehl adopted that language since it was a consensus from the joint boards that that is what they wanted. Mr. Wolfe noted that Mr. Zwally created the language, but Mr. Schmehl wrote the draft ordinance. He noted that Mr. Schmehl stated that it was usable for both types of developments.

Mr. Zwally noted that the language would provide for Union Deposit Corporation to build an age-restricted project using smaller townhouses, adjacent to a typical residential development. Mr. Seeds questioned why Mr. Zwally would want to have this. Mr. Zwally explained that he would agree to reduce density in order to implement this type of mixed development. Mr. Seeds noted that he brought into providing more density for seniors as they do not want more land to take care of, but if you are going to mix uses, then the land might as well be zoned R-2. Mr. Zwally noted that he originally asked for R-2 zoning with a RR overlay.

Mr. Guise questioned where the zoning line would be located. Mr. Zwally answered that he would raise the zoning line northward, and expand the conservation zoning. Mr. Seeds noted

that he was concerned, as was noted at the recent Township meeting that the senior housing would become subsidized. Mr. Zwally explained that Mr. Boyd would not build subsidized senior housing for this area. He noted that the construction of Continental Drive is a substantial investment, and that a very large parcel is planned for mixed use, but he stated that he needs flexibility to develop it. He noted that subsidized housing would destroy the value of the adjacent typical residential units.

Mr. Hornung questioned if the area of land that was to be zoned non-age restricted was zoned R-1, how many units could be built. He suggested that the maximum density for the senior housing, plus the maximum units for R-1, should be the total amount of units permitted for the area. He noted that he is not as concerned as to how the land is divided up, and noted that the age-restricted housing would help to lower the traffic counts. He explained that he wanted to know that Mr. Zwally was not attempting to secure a higher density than would be permitted under the R-2 zoning. Mr. Seeds suggested that the land should remain Institutional, and if Mr. Zwally needs the land rezoned, then he could apply for the rezoning.

Mr. Hawk questioned Mr. Millard what two comments were provided to the Planning Commission regarding the zoning request that was held at the previous meeting. Ms. Wissler answered that the Dauphin County Planning Commission suggested that the Township should receive a guarantee on what the developer planned to build for its residential development. Mr. Millard noted that the second comment suggested that as the Township's aging increases, they provide for more housing for senior living, which would provide less of a need to lower the minimal threshold for residential retirement. He noted that a lower threshold for senior living may make the developments less desirable for seniors to live in. Mr. Zwally noted that this comments makes sense for IN zoning, but it is not applicable to what he is proposing, since it refers to mixing uses within a single development. He noted that he is not proposing to mix uses, but rather he wants to create two separate developments, noting that the senior housing would be 100% age-restricted. Mr. Guise questioned if Mr. Zwally was requesting to extend the density into the Conservation District, or only for the IN District. Mr. Zwally answered that it would only concern the IN District.

Mr. Millard noted that the IN District was not intended for residential uses, although it does allow for moderate low density uses. He suggested that the RR should require a maximum lot size for use for true low density uses. He noted that the land not used could be used for open-space development within the IN District to be available for both age-restricted and non-age-

restricted residents. He noted that the Township has placed other park facilities in the IN District. He noted that the maximum density for the IN District is 12 units per acre for RR. He noted that it could provide for a very high density development in the age-restricted and low density requirement for the non-age-restricted. He suggested that it could provide a means to allow conventional development in the IN District, and it was not the intent of the IN District to provide for conventional-style development. He noted that this could provide for problems for other land that is zoned IN.

Mr. Zwally noted that he plans to do 100% age-restricted, but he does not know what the market would be for this type of development. He noted that he does not think he can develop the entire tract as age-restricted.

Mr. Seeds questioned what the standard was for age-restricted housing. Mr. Zwally noted that only one person must be 55 years of age or older. Mr. Seeds suggested that the land would be better off if it was rezoned. Mr. Hornung noted that he had no problem with the 30/60 requirement as long as it does not increase the total density. He noted that he would like to see the green space maximized, but he does not want to grant a higher density than what would be permitted in an R-1 zoning. Mr. Zwally noted that if you averaged the R-1 and IN between the age-restricted and non-age-restricted, you would come up with higher densities. Mr. Hornung noted that he would want to end up with the maximum green space for the tract. Mr. Seeds noted that RR permits 12 units per acre for the entire tract. Mr. Zwally noted that with his proposal, the density decreases on the combined basis. He noted that 25 acres would be developed as non-age-restricted, and 75 acres would be age-restricted, but if they decided to change the mix to 70/30, the total density would be 8 units per acre in place of 12 units per acre. He noted that this was his proposal to the Township. Mr. Guise noted that the development for 75/25 would be 950 units.

Mr. Zwally requested the Township to reinstate the provision to the zoning ordinance. Mr. Guise noted that he was okay with the request.

Mr. Wolfe questioned if for page three of the draft ordinance, the new section 319.H paragraphs 1 through four should remain in the draft ordinance. Ms. Wissler suggested that that is what she is hearing. It was noted that all members present agreed with this except for Mr. Seeds.

Mr. Seeds noted that he would like to review the height restriction for the zoning ordinance. Mr. Guise noted that it is found in section 319.G.5 and it is set at 40 feet in the RRD.

Mr. Guise noted that it was previously discussed to change this to 75 feet to accommodate Fine Line Homes. Mr. Wolfe questioned if a 40-foot height would accommodate a three-story building. Mr. Snyder answered that that sounds right. Mr. Seeds noted that 75-foot height would permit a six-story building. Mr. Lightly noted that he is not opposed to a six-story building if it is in the right place. Mr. Guise suggested that 40 feet is restrictive, but he did not see anything wrong with a 60-foot height for a five-story building. Mr. Seeds noted that there was a lot of concern voiced at the recent public hearing regarding the 75-foot height. He noted that he would prefer the height to remain at 45 foot. Mr. Crissman questioned what the height is in relation to the number of stories. Mr. Zwally answered that it would be roughly 15 feet per floor for commercial. Mr. Hawk noted that the majority of people are okay with 60 feet. Mr. Millard suggested that the height-restriction should be somewhere between 45 feet and 70 feet. He suggested that the height restriction for residential be 40 feet and 70 feet for non-residential in the IN zoning. He noted that for the R-3 zoning, Traditional Neighborhood Development, the height should be increased also. Mr. Hawk noted that the restriction will be changed to 60 feet.

Ms. Wissler noted that there is an issue with group homes, and it needs to be clarified if group homes should be permitted in the IN District. She noted that they are now permitted in all residential zones to include the IN Districts. Mr. Stine noted that they must be allowed where you have typical single-family housing. He noted that they would be allowed in R-1, R-2, and R-3, but they do not have to be allowed in all residential zones. She noted that this was brought up due to Mr. Millard's comments in his review. Mr. Lightly noted that medical campuses are permitted in the IN District and it is common to situate group homes near medical campuses. He suggested that group homes could be ban in the IN District if there is an R-R overlay. He noted that the people who build the group homes try to locate them in areas that won't upset the public, and suggested that they would like to be located near medical campuses. He suggested that it could be allowed in the IN District where there is no R-R overlay.

Mr. Millard questioned what you would want to have in an R-R District versus what a group home could be. Mr. Seeds questioned if a group home could be a halfway house for someone released from parole. Mr. Stine noted that group homes are for people with mental or physical disabilities. He noted that group homes typically house five or six people. Mr. Wolfe noted that there are several group homes in the Township in R-1 zoning. He noted that the operators hire a full-time person to supervise the people who live in the group homes.

Mr. Wolfe questioned why it would be inappropriate to locate a group home in the R-R overlay for IN as there have been no problems with the established group homes. Mr. Millard noted that it may not be a problem. Mr. Guise suggested that if a group home is located in the age-restricted area, then they would have to comply with the age-restricted environment. Mr. Wolfe suggested that people with mental handicaps would be exempt from the age-restricted requirement; therefore a group home of young people could be located in an age-restricted area. Mr. Lighty noted that there are three times more mental retardation homes as there are physically handicapped.

Mr. Hawk suggested that this section remain as it is.

Mr. Wolfe noted that the Township had comment nine from the zoning ordinance for Community Development thrown in their faces at the recently held public hearing for rezoning. He questioned what rural character the Township is trying to preserve. Mr. Seeds noted that there is none left. Mr. Hawk agreed that this should be removed.

Mr. Wolfe noted that the Committee is now done with the corrective amendments and it will be advertised for adoption.

Mr. Seeds had a question regarding page four of section 319. H. 4.c, with the cluster development under subsection C. Mr. Seeds noted that the original draft did not permit cluster development in the AR or CO Districts. He questioned why this was changed. Ms. Wissler noted that this was as a result of a request from Mr. McNaughton. Mr. Wolfe suggested if this provision is to be removed, then Mr. McNaughton should be made aware of this. Mr. Wolfe noted that Mr. McNaughton will be attending the workshop meeting to be held immediately after this meeting.

Mr. Wolfe noted that he will not advertise the ordinance until he receives clarification on section 320. E. 4. c and d.

#### Continued review of the proposed subdivision and land development ordinance

Mr. Wolfe explained that he requested Mr. Snyder to make a presentation in regard to traffic calming standards that could be incorporated into the Subdivision and Land Development Ordinance (SALDO).

Mr. Snyder noted that traffic calming is not addressed in the SALDO, but it is something the Township has used from time-to-time for roadway issues. He noted that the question was raised if traffic calming measures should be incorporated into the ordinance. He noted that he distributed a copy of PENNDOT's Traffic Calming Handbook on acceptable traffic calming

measures. He questioned, if provisions are to be included in the SALDO, which ones should be included, and how would they be regulated. He noted that the SALDO must include when the measures would be required.

Mr. Hawk noted that if the PENNDOT publication was included in the SALDO, it would also assume that it would be in agreement with the Institute of Traffic Engineers (ITE), and questioned if that should also be included. Mr. Snyder noted that the ITE has its own traffic calming publication, and much of PENNDOT's document came from the ITE publication. He noted that to include the publication would be a significant addition to the SALDO, and it would address what measures could be used, when it would be required, how they would be constructed and things of that nature.

Mr. Snyder noted that he could not find any ordinances for traffic calming; noting that many municipalities had traffic calming programs or guidelines. He noted that many of these measures are for after the fact because it is a relatively new concept. He noted that traffic calming is used after a problem is found and used as a means to fix the problem as opposed to a proactive design for a new subdivision. He noted that the SALDO mainly regulates new subdivisions and land developments where most contain minor streets where speeds are relatively low. He noted that the on-street parking and slightly narrower roads are traffic calming measures.

Mr. Snyder noted in the current ordinance, or proposed ordinance, there are some things that are contemplated and permitted such as boulevards, islands and islands in cul-de-sacs with a proviso that they are maintained by someone other than the Township. He noted that these are structures found in the right-of-way that would need maintenance. He noted that most traffic calming measures are used on minor streets, and some are applicable for collector roads, but not as often, as the speeds are higher on collector roads.

Mr. Seeds questioned if it could be worded in the SALDO that, based upon review of the Township engineer or Township staff, they could request traffic calming measures commensurate with the size of the development. Mr. Stine suggested that Mr. Snyder is looking for more than a request, but rather to have ordinance standards that would be required. He noted that you must have standards so when a developer is planning, he would know if they comply with those standards.

Mr. Wolfe explained that the Township has instituted traffic calming on certain streets: Westchester, Forest Lane, Abbey Lane, Wimbledon Drive, Continental Drive, and all of Old Iron



Estates. He noted that most complaints are from people living in developments that want traffic calming, but when it is incorporated into a new development, it is a relatively low cost item. He noted that a rougher pavement is one form of traffic calming, and boulevard medians are another form of traffic calming that worked very well on Continental Drive. He suggested that traffic calming measures should be mandated on almost all residential streets. He suggested that the main road into the development could be designed as a boulevard, such as found on Deaven Road in the Windmere Development. He noted that it is more expensive to add it after the fact, and, typically, all you can do at that stage is to construct a speed table.

Mr. Hawk questioned if this would require a study in the approval process. Mr. Snyder noted if there are objective standards in the ordinance and a developer has a certain amount of lots in residential development, they would know that they are required to install two or three traffic calming standards. He noted that the requirements could be made up of a cafeteria list for eligible features, or be specific that a certain measure must be placed in a specific place. He noted that he would like to know what measures are most affective and desirable to use in developments.

Mr. Wolfe noted that on page 24, curb extensions could be used to narrow the cartway at the intersection, and could be built initially at very little cost to the developer. He noted that it has been proved to calm traffic.

Mr. Snyder noted on page 28, stamped concrete or bricks could be used to create the affect in the entrance way to the development. Mr. Wolfe noted that on page 29, stamped concrete could be used to create traffic calming in an intersection.

Mr. Wolfe suggested that it is no more of an onerous cost to a developer to do curb extensions or different pavement features or curb bump outs to provide traffic calming. He noted that curb extensions are relatively low maintenance as long as they are not damaged by the snow plows.

Mr. Snyder suggested that traffic calming could be included in the ordinance in such a way that it is manageable. Mr. Wolfe questioned if the ordinance could state, that within every block, some type of traffic calming must be designed to the satisfaction of the Township in accordance with the PENNDOT manual. Mr. Lighty suggested that it would include every block over a certain distance.

Mr. Seeds questioned what would happen if the developer asked for a waiver or the Township did not want the traffic calming. He suggested that there may be some circumstances

where they are not needed. Mr. Lighty noted that if the traffic calming measures are added in the beginning, they can add attractiveness to the area.

Mr. Wolfe suggested that Mr. Stine and Mr. Snyder get together to figure a way to do this.

Mr. Hawk noted that the recreation and dedication ordinance is next. Mr. Snyder noted the draft SALDO addresses the dedication of recreation in accordance with the MPC. He noted that the present recreation ordinance goes beyond that in terms of requiring the construction of facilities and improvements which creates a significant difference between what is proposed and what is in place now. Mr. Stine noted that the Township can only require dedication, and in lieu of that, if you can agree with the developer, you can do some dedication or money or facilities or some combination thereof. He noted that the current ordinance goes beyond that, and explained that it is not lawful since the Township cannot require facilities. He noted that the new ordinance addresses vacant space, has provisions for fee-in-lieu, but it is different than what is currently in place.

Mr. Wolfe questioned what the draft SALDO does to the fee itself. Mr. Snyder answered that it would be based on a fee adopted by the Board of Supervisors annually. He noted that the number would be based on a recreation plan to describe what the features would be. He noted that a specific fee would be outdated by the next year, so it would be based on an annual resolution based on the recreation plan that the Township develops.

Mr. Snyder noted that a study would be conducted to state what the Township has and what it needs, and attribute that to population. He noted that the Township cannot require the fee-in-lieu, only dedication of land. Ms. Wissler noted that Mr. Luetchford is working on a Recreation Plan. Mr. Snyder noted that the plan would specify how much area would be dedicated per lot. He noted that the number that he used is what is currently used at 1,500 square feet per unit.

Mr. Hawk noted that Mr. Snyder is recommending what he proposed in the draft.

Mr. Seeds suggested that something should be added to section 180-522.C, such as, unless adjacent to or potential for future parkland. He noted that this was in the old ordinance and should be left in. He noted that the ordinance would imply that the Township would not have to take the money when there is opportunity to acquire land next door for a sizeable park. Mr. Snyder noted that you never have to take the money, but you always need to take the land if it meets the criteria. Mr. Seeds questioned if the wording “unless it is adjacent” needs to be

included. Mr. Snyder stated that you can encourage it but you can't require it. Mr. Guise noted that encouraging is not requiring, and suggested that it would be the normal process for 50 units or less, but if the developer does not want to pay the fee, he could provide land as long as it meets the Township's requirements.

Mr. Seeds noted that Section D, subsection one, states that a minimum area of 1,500 square feet per dwelling unit shall be provided as a contiguous, usable area, but, before it stated, that 1,500 square feet in R-1, or 20% in R-2 or R-3. Mr. Stine noted that when the Recreation Plan is completed, it would be the standard used for the SALDO. He noted that it is only a placeholder until the Recreation Plan is completed. Mr. Snyder noted that he did not know if the Recreation Plan would be adopted prior to the completion of the SALDO.

Mr. Seeds noted in section E. 2 it shows a slope of six percent and before it was seven percent. He noted that in section E.6, it now lists two acres and before it was three acres. He noted that before the SALDO required the dedication of land based on 50% of occupancy of the subdivision, but now it is changed to 100%. Mr. Snyder noted that the draft would require dedication of parkland immediately following the recording of the final subdivision and land development plan. He noted that the lot could be conveyed to the Township at that time. Mr. Snyder noted that he did not know if the Township wanted to tie the dedication to how fast the development gets built out. He noted, if the land requires improvements such as grading, the Township would not want to acquire the title until the improvements were made. Mr. Guise noted that this would provide for ownership of the land earlier in the process, and he noted that it makes sense, except to add language to protect the Township in the event improvements are needed to the land. Mr. Snyder noted that language should be added that the parcel should be completed before dedicating it to the Township.

Mr. Wolfe suggested that the Committee would need to meet one more time to address the last two items on the agenda and present the final draft.

Mr. Snyder noted that item three, which is model development principles draft recommendations by the Paxton Creek Watershed Site Planning Roundtable, does not necessarily apply to the SALDO other than the model development principles are meant to be drafted into the SALDO. Mr. Wolfe requested a short position paper from Mr. Snyder as to how the SALDO addresses the model guidelines. He suggested that it does, but he noted that no one has the time to explain how it does. Mr. Snyder agreed. Mr. Seeds noted that he strongly disagrees with some of the principals and comments. Mr. Wolfe suggested that it would be good

to be able to explain to the public how the Township implemented the Paxton Creek Watershed Site Plan. Mr. Seeds noted that this organization's only concern is storm water management, and they do not have the overall picture in mind when planning.

Mr. Wolfe suggested that the Article 180-57, with regard to Site Lighting, be included in the final draft for the final presentation.

Mr. Wolfe noted that a final review would be planned for the next meeting.

#### Adjournment

Mr. Crissman made a motion to adjourn the meeting. Mr. Guise seconded the motion, and the motion carried unanimously.

There being no further business, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary